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DOCKET NO. PRES06-00251
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : RONALD A. SCHACHAR ET AL.
Serial No. : 10/080,986
Filed : February 22, 2002
For : SURGICAL BLADE FOR USE WITH A SURGICAL TOOL
FOR MAKING INCISIONS FOR SCLERAL EYE
IMPLANTS
Group No. : 3731
Examiner : Bradford C. Pantuck

MAIL STOP NON-FEE AMENDMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

A Restriction Requirement was mailed in the present patent application on March 12, 2004 with time period for response ending on April 12, 2004.

In response to the Restriction Requirement, the Applicants provisionally elect the claims of Group I, Claims 1–8, as a single discloses species for prosecution on the merits to which the claims shall be restricted in no generic claim is finally held to be allowable. The Examiner stated in the Restriction Requirement that “Currently, Claim 1 is generic.” (Restriction Requirement, Page 2).

The Restriction Requirement identifies the following patentably distinct species of the claimed invention:

- I. Surgical blade and method of using.
(Claims 1-8 and Figure 40) (Group I Claims).
- II. Surgical blade with detachable central portion / detachable tip and method of using.
(Claims 9-13 and Figure 45) (Group II Claims).
- III. Surgical blade with scleral prosthesis / plunger and method of using.
(Claims 14-18 and Figure 48) (Group III Claims).

In response to the Restriction Requirement, the Applicants:

- (1) Elect the species represented by the Group I Claims (Claims 1-8); and
- (2) Submit the following listing of all claims readable thereon:
 - 1. A surgical blade for use with a surgical tool for making an incision in scleral tissue of an eye, said surgical blade comprising:
 - a rotatable support arm having a first end capable of being coupled to a drive shaft of said surgical tool that is capable of rotating said rotatable support arm; and
 - a curved cutting blade having a first end detachably coupled to a second end of said rotatable support arm, said curved cutting blade having a second end that is capable of being rotated by said surgical tool through said scleral tissue of said eye to make an incision having the form of a scleral pocket that is capable of receiving a scleral eye implant prosthesis.
 - 2. A surgical blade as claimed in Claim 1 wherein said curved cutting blade of said surgical blade is capable of making an incision in said scleral tissue that is approximately one and one half millimeters wide and approximately four millimeters long, said incision being located approximately four hundred microns under a surface of said scleral tissue.
 - 3. A surgical blade as claimed in Claim 1 wherein said first end of said curved cutting blade of said surgical blade comprises an extension having portions that form an aperture through said extension.
 - 4. A surgical blade as claimed in Claim 3 further comprising a string-like connector capable of tying a scleral eye implant prosthesis to said extension of said curved cutting blade.

5. A method for making an incision in scleral tissue of an eye to form a scleral pocket to receive a scleral eye implant prosthesis and for placing said scleral eye implant prosthesis within said incision, said method comprising the steps of:

placing on said scleral tissue of said eye a rotatable surgical blade of a surgical tool, said rotatable surgical blade comprising a rotatable support arm and a curved cutting blade having a first end detachably coupled to an end of said rotatable support arm, said curved cutting blade having a second end that is capable of being rotated by said rotatable support arm through said scleral tissue of said eye to make an incision having the form of a scleral pocket;

holding said scleral tissue to restrain movement of said scleral tissue;

rotating said curved cutting blade in a forward direction to cause said curved cutting blade to pass through said scleral tissue to form said incision having said form of a scleral pocket;

detaching said curved cutting blade from said rotatable support arm while said curved cutting blade is located within said incision; and

removing said curved cutting blade from said incision by pulling said curved cutting blade out of said incision in a forward direction.

6. A method as claimed in Claim 5 further comprising the steps of:

attaching a scleral eye implant prosthesis to an extension of said first end of said curved cutting blade before said curved cutting blade is rotated into said scleral tissue to form an incision; and

pulling said scleral eye implant prosthesis into said incision after said curved cutting blade has been detached from said from said rotatable support arm and has been removed from said incision.

7. A method as claimed in Claim 6 wherein said step of attaching a scleral eye implant prosthesis to an extension of said first end of said curved cutting blade comprises the step of:

tying said scleral eye implant prosthesis to said extension of said first end of said curved cutting blade using a string-like connector.

8. A method as claimed in Claim 5 further comprising the step of:

attaching said detachable curved cutting blade to said rotatable support arm after said detachable curved cutting blade has been removed from said incision.

SUMMARY

If any issue arises, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

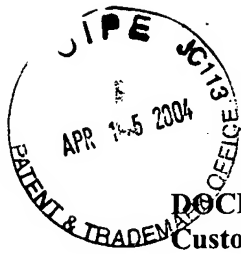
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April 12, 2004



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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1. Response to Restriction Requirement; and
2. A postcard receipt;

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 12, 2004.

Date: 4/12/04

Kathy Ceder
Mailer

Date: April 12, 2004

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